

REMARKS

Figure 8 has been added to the application. Please note, Figure 8 is fully supported by the application-as-filed, and thus does not constitute new matter. Specifically, Figure 8 merely make explicit that which was implicit in the application-as-filed. For example, Figure 8 finds support in Figure 5a and elsewhere.

The SUMMARY and the DESCRIPTION OF THE ILLUSTRATED EMBODIMENTS have been amended to further provide clarification of new Figure 8; these amendments also are fully supported in the application-as-filed, and thus do not constitute new matter. For example, all the amendments are supported in Figure 5a and elsewhere.

Claims 13-17 and 23-32 have been Canceled. New Claims 33-42 have been added. Claims 1-6, 8-12 and 18 have been amended. None of the amendments provided herein are believed to narrow the claims and only serve to clarify the intended scope of the claims. Additionally, Applicants assert that all amendments are supported by the application-as-filed and that no new matter has been added. Claims 1-12, 18-22 and 33-42 are now in the application. Reconsideration of the application is respectfully requested in light of the foregoing amendments and following remarks.

Rejection of Claims under 35 U.S.C. §112, 2nd Paragraph

Claims 8 and 12 stand rejected under 35 U.S.C. §112, 2nd Paragraph "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention" (Office Action dated 05/14/2003, ¶¶3-4). Specifically, the Examiner asserts that the claimed recitations of "flange" are unsupported by the specification. Applicants do not admit to such assertion. However, in the interest of advancing the application, Claims 8 and 12 have been amended.

Amended Claim 8 recites "top support arm assembly comprising a flared portion thereof, proximate the inward end of the respective said support arm. . . whereby when said table frame is set up, said flared portion...." Support for the amendment can be found e.g. in the application as filed at page 12, lines 25-27; 32-34, and elsewhere.

Amended Claim 12 recites "being arrested by said flared portions of said top support arms...." Support for the amendment can be found e.g. in the application as filed at page 12, lines 25-27; 32-34, and elsewhere.

Applicants assert that the amendments to Claims 8 and 12 obviate the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection of Claims under 35 U.S.C. §102(b)

Claims 8-12 stand rejected under 35 U.S.C. §102(b) as anticipated by Zheng et al. (U.S. Pat. No. 6,158,361). Applicants respectfully traverse the rejection. In the interest of moving the case to allowance, Claim 8 has been amended to recite:

each said top support arm assembly comprising a **flared portion thereof**, proximate the inward end of the respective said support arm, wherein said inward ends of each pair of said table top support arms extend inwardly to slidably connect to said collapsible table frame through respective ones of said table top support arm holders whereby, when said table frame is set up, **said flared portion of the respective said table top support arm** serves as a stop to arrest sliding of the respective support arm through the respective said support arm holder.

Support for the amendment can be found e.g. in the application as filed at page 12, lines 25-27; 32-34, and elsewhere.

Applicants assert that the amendment to independent Claim 8 obviates the rejection, as Zheng does not teach or suggest flaring the support arm. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants assert that amended Claims 9-12 are allowable as depending from allowable Claim 8, as well as on their own merits. For example amended Claim 12 recites "sliding movement of said table top support arms being susceptible of being arrested by said **flared portions of said support arms** as said table frame reaches a fully erected configuration." Thus, withdrawal of the rejection is respectfully requested.

Rejection of Claims under 35 U.S.C. §103(a)

Claims 1-3 stand "rejected under 35 U.S.C. §103(a) as being unpatentable over Katsen and Algier" (Office Action dated 05/14/2003, ¶¶7-8). Applicants assume the Examiner is referring to Kasten (U.S. Pat. No. 6,367,393) and Algier (U.S. Pat. No. 4,036,150) and will proceed accordingly. Applicants respectfully traverse the rejection.

"In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (MPEP § 2141.02, *discussing Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed.Cir. 1983)).

Applicants assert that amended Claim 1 defines over the references of record. Kasten and Algier, whether taken separately or in combination, fail to teach or suggest the tabs and slots being disposed between the top and bottom surfaces of the leaf element, in combination with end table so configured and portioned that a force imposed on the leaf element at the end edge can be transferred to an adjacent leaf element through the adjacent end tab/receptical." Thus, withdrawal of the rejection is respectfully requested.

Algier!
does!
nyoh!

Dependent Claim 2 is allowable, both as depending from allowable Claim 1, and on its own merits. For instance, Claim 2 teaches that "intermediate ones of said leaf elements, disposed inwardly of said end leaf elements in said table top as assembled, have first and second opposing side edges both bearing said **tabs and slots**." Kasten and Algier, separately and combined fail to teach or suggest first and second opposing side edges both bearing said **tabs and slots**. Accordingly, withdrawal of the rejection is respectfully requested.

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Amended Claim 3 is allowable, both as depending from allowable amended Claim 1, and on its own merits. For instance, Claim 3 teaches that "intermediate leaf elements are color coded to distinguish said end leaf elements from said intermediate leaf elements, whereby said end leaf elements can readily be visually distinguished from said intermediate leaf elements, thereby to assist a user in selecting the serial order of said leaf elements in said table top during assembly of said table top."

When making a 35 U.S.C. 103 analysis, "[a] prior art reference must be considered in its entirety, i.e. as a whole, including portions that would lead away from

the claimed invention" (MPEP § 2141.02 (discussing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983)). When considering the teachings of Kasten and Algier as a whole, the references should not be combined in the manner the Examiner suggests. The Examiner asserts that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the. . . color coding taught by Algier, modifying the table top leaf elements disclosed by Katsen" (Office Action dated 05/14/2003, page 8, ¶8 lines 4-5).

Algier teaches "[t]he tables, may be color coded. . . [so that] [a]ny portion of the booth 10 and the removable segments 16 may be used for identifying marks so that the proper one of the removable segments 16 is brought to the appropriate booth" (Algier Col.5, lines 24-31, *emphasis added*). Thus, in order for the Algier color coding system to work, the assembly process must present the problem of matching visually one or both of a population of booth segment to a population of removable segments wherein at least one of the populations contain more elements than needed to make a single assembly; and wherein each element of a matched set of booth elements and removable elements bears a common visual indicator 51. Accordingly, the references teach a visual affect which is common to both the booth element and the removable element.

By contrast, applicant claims distinguishing, by visual difference, not combining according to common visual appearance. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 4-5 stand "rejected under 35 U.S.C. §103(a) as being unpatentable over Katsen and Algier" (Office Action dated 05/14/2003, ¶9). Applicants respectfully traverse the rejection.

Applicants assert that Claim 4 is patentable over Kasten and Algier, separately and combined. Claim 4 recites "surface texture differences and markings molded into top surfaces of respective ones of said leaf elements, whereby said end leaf elements can readily be visually distinguished from said intermediate leaf elements, thereby to assist in selecting the serial order of said leaf elements in said table top during assembly of said table top;" which neither Kasten nor Algier teach or suggest, individually, or combined. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants assert that amended Claim 5 is allowable, both as depending from allowable amended Claim 4, and on its own merits. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 6-7 stand "rejected under 35 U.S.C. §103(a) as being unpatentable over Katsen and Algier" (Office Action dated 05/14/2003, ¶10). Applicants respectfully traverse the rejection.

Amended Claim 6 is allowable over Kasten and Algier for the same reasons as stated above, in the discussion of patentability of Claim 3 in light of Kasten and Algier. Thus, the discussion of patentability of Claim 3 in light of Kasten and Algier is equally applicable to Claim 6. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants assert that dependent Claim 7 is allowable, both as depending from allowable amended Claim 6, and on its own merits. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 18-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zheng, Katsen and Izumi (Office Action dated 05/14/2003, ¶11). Applicants respectfully traverse the rejection.

Amended Claim 18 recites "flanges which extend downwardly... and which are located inwardly of the first and second ends of said table top, and wherein one or more elements of said collapsible table frame are extensible into respective ones of said flanges thereby to attach said table top to said table frame." None of Zheng, Katsen, or Izumi, whether taken above or in combination, teach or suggest the invention as claimed. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants assert that amended Claims 19 and 20 are allowable, both as depending from allowable amended Claim 18, and on their own merits. Accordingly, withdrawal of the rejection is respectfully requested.

Independent Claim 21 recites a *method* of assembling a table, which includes specifically, "positioning the opposing table top support arms a minimal distance inward from a fully erected configuration." The Examiner relies on a method purportedly disclosed by Zheng, in apparatus Claim 1.

Specifically, the Examiner recites "sliding movement of the table top support arms being susceptible of being arrested by the "flanges" as the table frame reaches a fully erected configuration (US 6,158,361 to Zheng et al.:col.6, lines 52-62); and thus attaching the table top on the studs within the apertures" (Office Action dated

05/14/2003, ¶11). Please note, that Zheng Col.6, lines 58-62 teaches "four tabletop support arms to move upwardly through said four tabletop support arm holders respectively until said four tabletop support arm stoppers are stopped by said four tabletop support arm holders respectively." Please note, Zheng teaches "a flexible connecting means for holding the longitudinal strips. . . together. . . and initially stretched when the tabletop is placed on, and attached to, the foldable frame. . . " (Zheng Col.5, lines 34-40). Accordingly, Zheng teaches that the frame should be fully extended first, the "tabletop stretched over said foldable table frame" (Zheng Col.7, lines 48-49). Thus, Zheng teaches away from "positioning the opposing table top support arms a minimal distance inward from a fully erected configuration." Indeed, trying to mount the Zheng table top to the Zheng frame according to the claimed method would add difficulty to assembling the Zheng table. Accordingly, Zheng does not make obvious the claimed method. Thus, withdrawal of the rejection is respectfully requested.

Applicants assert that dependent Claim 22 is allowable, both as depending from allowable amended Claim 21, and on its own merits. For example, Claim 22 further recites "extending end portions of the support arms into and through the apertures such that the end portions extend outwardly from the apertures when the table is fully assembled." None of Zheng, Katsen, and Izumi, individually or combined teach or suggest extending end portion of table top support arms through and outwardly from connecting aperture. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants thus submit that all claims as presented herein are allowable over all references of record. Allowance is respectfully solicited. No fee is believed to be due. Should any fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Please feel free to contact me with any questions, comments or concerns, at the telephone number listed at the end of this document.

Respectfully submitted,
Robert George Hendricks et al.

By: Thomas D. Wilhelm
Thomas D. Wilhelm
Attorney for Applicants
(Reg. No. 28,794)

Customer Number: 23482

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100 W. Lawrence Street, Third Floor
Appleton, Wisconsin 54911
920-831-0100
FAX: 920-831-0101